

18. In addition, Lifeline qualified subscribers will be allowed to purchase optional airtime replenishment minutes at a rate of \$0.10 per minute.

19. Nexus' customary charge for the commencement of its wireless telecommunications service ("service activation charge", "SAF") is \$72.00. Pursuant to the requirements of 47 C.F.R. § 54.411, Nexus shall participate in Link-Up, which is defined as an assistance program for qualifying low-income consumers designed to reduce a carrier's customary charge for commencing telecommunications service by half of the customary charge or \$30.00, whichever is less, which an eligible telecommunications carrier shall offer as a part of its obligation under §§ 54.101(a)(9) and 54.101(b). Based on Nexus' customary charge for the commencement of service, Nexus will receive a Link-Up discount amount of \$30.00 which it will then pass to qualified subscribers. In addition, Nexus will then provide qualified subscribers with an additional discount of \$42.00 thereby reducing a qualified subscriber's service activation charge, after the application of the \$30.00 Link-Up discount, to "0".

20. Nexus does not deduct minutes for calls placed to 911. Nexus currently deducts minutes for calls placed to Nexus' customer service department. However, by third quarter of 2011, Nexus will no longer deduct minutes for calls placed by its Lifeline subscribers to customer service when those calls are initiated by dialing *611.

21. Currently, Nexus charges a roaming charge of \$0.59 per minute to its subscribers who use their service outside of the designated service area in Mississippi. Should Nexus reduce its roaming rate, it shall offer this rate reduction to its Lifeline subscribers in Mississippi. In addition, Nexus will include the Company's roaming rate in all advertising materials, Tariffs, and Terms and Conditions of Service materials.

22. In situations where a Nexus calling party experiences a call where the caller does not answer, or where the calling party experiences a busy signal, a Nexus subscriber may incur a deduction of airtime minutes when the call is not terminated within 15 seconds. Nexus has committed that it will communicate this dialing scenario to its subscribers and will include in its advertising language that informs the subscriber of the same.

23. Nexus' designated service area consists of the geographic area served by AT&T Mississippi. A list of the incumbent local exchange carrier's rate centers included within Nexus' service area is attached as **Exhibit A** to this Order.

24. Based upon a review of the record in this matter, the Commission finds that Nexus is capable of providing the services designated for universal service fund support and also finds that the Company's Lifeline service meets the requirements of 47 U.S.C. § 214(e)(1)(A) and (B).

25. The Commission is both cognizant and appreciative of the efforts of Staff in reviewing this Petition as noted by Staff's propounding of four separate sets of data requests totaling forty-four questions upon Nexus. Staff's vigilant investigation and review of this Petition will enable those Mississippians who meet the Lifeline eligibility criteria to enjoy increased consumer choice and a larger number of initial Lifeline minutes of use. Staff's efforts will also ensure a much more affordable rate for additional purchased minutes. The Commission notes that Nexus' filed Petition had initially offered only 68 free minutes each month with a rate for additional airtime of as much as \$0.20 per minute. However, through Staff's due diligence of this Petition, Lifeline qualified subscribers in Mississippi will now be able to choose a calling plan that includes 125

minutes of free airtime each month with carry over of unused minutes or 250 minutes of free airtime each month with no carry over. Additional minutes of use will also be available to Lifeline qualified subscribers at a rate of \$0.10 per minute. Qualified subscribers will also receive a pass through Link-Up credit of \$30.00 and will also receive an additional discount from Nexus of \$42.00 thereby reducing the service activation charge, after the application of the \$30.00 Link-Up discount, to "0".

26. The Commission has concluded that it is in the public interest to grant Nexus' Petition for supplemental authority, subject to the following conditions:

- a. Nexus will certify that all Lifeline applicants are eligible to receive Lifeline benefits in accordance with the Commission's rules.
- b. Nexus shall allow its customers to contact customer service by dialing *611 without having minutes deducted by third quarter of 2011.
- c. If the service can be feasibly implemented, Nexus shall make available discounted versions of a high volume calling plan as an additional service plan, to meet the needs of high volume Lifeline customers.
- d. Nexus shall provide the Staff with a list of its Lifeline customers by name and address on a DVD on June 30 and December 31 each year as a part of its second and fourth quarter reports. The information will be treated as confidential information and will not be available to the public.
- e. Nexus shall comply with Rule 23 of the Commission's Rules of Practice and Procedure regarding discontinuance of service.

- f. Nexus shall file an informational tariff with Commission describing the terms and conditions of its prepaid wireless Lifeline service within 30 days of the date of this Order.
- g. Nexus shall file any changes to its rates, terms, or conditions with the Commission at least seven days prior to the effective date of the change.
- h. Nexus shall file the language which it will use in its advertising of its wireless Lifeline service and on its website within 30 day of date of this Order. This filing shall include Nexus' application form.
- i. Nexus shall not commence offering wireless Lifeline service in Mississippi until it has complied with conditions (f) and (h).
- j. Nexus shall comply, as applicable, with the Commission's April 6, 2007 Order in Docket No. 2005-AD-662, including quarterly and annual reporting requirements for ETCs.
- k. Nexus shall comply, as applicable, with the Commission's December 28, 2007 and February 4, 2009 Orders in Docket No. 2007-AD-487.
- l. Nexus will comply with all applicable rules and regulations for the Mississippi Public Service Commission.
- m. Nexus may not seek reimbursement for a Lifeline and Link-Up customer from the FCC if credit for the Lifeline and Link-Up customer is obtained from the underlying carrier through interconnection agreements.

The Commission finds that Nexus is entitled to be granted supplemental authority for its wireless Lifeline service throughout its designated service area in Mississippi based on timely complying with all conditions expressed in this Order.

IT IS, THEREFORE, ORDERED:

1. Nexus is granted supplemental authority for its wireless Lifeline service throughout its current designated service area. This designation is granted solely for the purpose of participating in the Low Income mechanism of the Universal Service Fund, which includes both Lifeline and Link-Up support, and is subject to the conditions set forth in paragraph 26 of this order.

2. The entire file of the Commission, as well as all responses to all discovery requests of the Staff, are specifically made a part of the record of this matter.

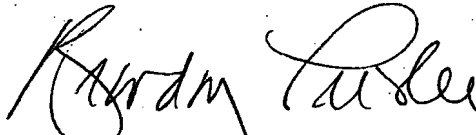
This Order shall be deemed issued on the day it is served upon the parties herein by the Executive Secretary of this Commission who shall note the service date in the file of this Docket.

Chairman Brandon Presley voted Aye; Vice Chairman Lynn Posey voted Aye; and Commissioner Leonard Bentz voted Aye.

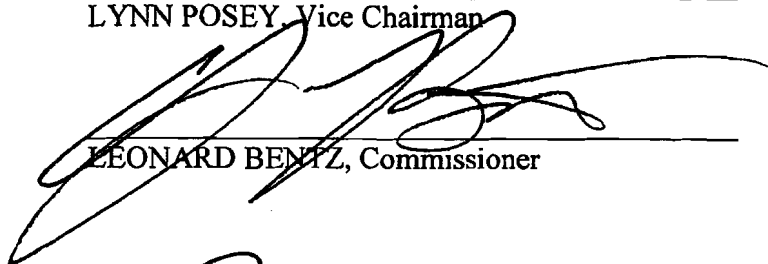
Dated this, the 5th day of October, 2010.

MISSISSIPPI PUBLIC SERVICE COMMISSION

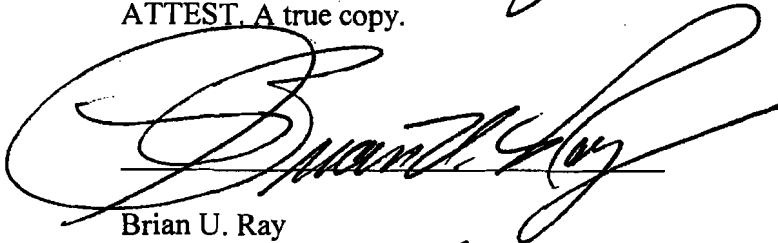



BRANDON PRESLEY, Chairman


LYNN POSEY, Vice Chairman


LEONARD BENTZ, Commissioner

ATTEST. A true copy.



Brian U. Ray
Executive Secretary

Effective this the 5th day of October, 2010

AT&T Wire Centers	
Ratecenter	CLLI
PASCAGOULA	PSCGMSMADS0
GULFPORT	GLPTMSTSDS0
PASSCHRSTN	PSCHMSLTDS1
BILOXI	BILXMSDIRS9
MOSS POINT	MSPNMSMADS0
GULFPORT	GLPTMSLYDS0
BILOXI	BILXMSMADS0
BILOXI	BILXMSEDDS0
BAYSTLOUIS	BSLSMSMARS9
PASCAGOULA	PSCGMSGARS9
HURLEY	HRLYMSMARS9
BAYSTLOUIS	MSTFMSCUDS1
PASCAGOULA	SRISMSMADS1
OCEAN SPG	OCSPMSGODS0
VANCLEAVE	VNCLMSMARS9
JACKSON	JCSNMSEMBDS0
JACKSON	JCSNMSTRWDS0
JACKSON	JCSNMSCPDS2
TYLERTOWN	TYTWMSMCRS9
GLOSTER	GLSTMSMARS9
MCCOMB	MCCMMSMARS9
CARTHAGE	WLGVMSSURS9
HATTIESBG	HTBGMSWEDS0
CARTHAGE	CTHMSMARS9
MCCOMB	MCCMMSSMR9
NATCHEZ	NTCHMSMADS0
HATTIESBG	HTBGMSMADS0
ROXIE	ROXMSMARS9
LAUREL	LARLMSMADS0
JACKSON	JCSNMSBLDS0
PHILA	PHLAMSMADS2
POPLARVL	PPVLMSMADS1
JACKSON	JCSNMSTR1ZB
JACKSON	JCSNMSPCDS0
CANTON	CNTNMSMARS9
PORTGIBSON	PGSNMSMARS9
COLUMBIA	CLMAMSMARS9
CLINTON	JCSNMSCBDS0
FOREST	FORSMSMARS9
ELLISVILLE	ELVLMSMADS1
MERIDIAN	MRDNMSTLDS0
WIGGINS	WGNSMSMARS9
OSYKA	OSYKMSMARS9
JACKSON	JCSNMSP06T
MCCOMB	SMDLMSSUDS1

MONTICELLO	MNTIMSMADS1
BRANDON	BRNDMSESDS0
MADISON	MDSNMSESDS0
VICKSBURG	VCBGMSMADS0
FOREST	HPVLMSSURS9
MERIDIAN	COVLMSSURS1
TOOMSUBA	TMSBMSMARS1
WESSON	WSSNMSMADS1
MERIDIAN	CSVLMSSURS1
CENTREVL	CNVMSMARS9
NEWTONHKRY	NWTNMSHCRS9
BUCKATUNNA	BCTNMSMARS9
CARTHAGE	LENAMSSURS9
MERIDIAN	CHNKMSURS1
LIBERTY	LBRTMSMARS9
ENTERPRISE	ENTRMSMARS9
WAYNESBORO	WYBOMSMADS0
LYNVILLE	LYVLMSMARS9
NVALAIRSTA	MNASMSMARS9
BRIARWOOD	BRWDMSMARS9
NEWTONHKRY	NWTNMSMARS9
SHUBUTA	SHBTMSMARS9
COLLINS	CLNSMSMARS9
SEMINARY	SNRYMSMADS1
MORTON	MRTNMSMARS9
MIZE	MIZEMSMADS1
BROOKHAVEN	BGCHMSSUDS1
WAYNESBORO	WYBOMSMARS9
OBADIAH	OBDHMSMARS9
DE KALB	DKLBMSMARS9
PURVIS	PRVSMSMADS1
PICAYUNE	PCYNMSMARS9
MCLAIN	MCLNMSMARS9
SUMRALL	SMRLMSMADS1
LUCEDALE	LCDLMSMARS9
UNION	UNINMSDSRS9
LAKE	LAKEMSMARS9
QUITMAN	QTMNMSMARS9
RALEIGH	RLGHMSMADS1
MAGNOLIA	MGNLMSMARS9
BEAUMONT	BUMTMSMARS9
TAYLORSVL	TYVLMSMADS1
FAYETTE	FYTTMSMARS9
HEIDELBERG	HDLBMSMADS1
RIGHTON	RCTNMSMARS9
LUMBERTON	LMTNMSSRS1
MOUNTOLIVE	MTOLMSMADS1
BROOKHAVEN	BRHNMSMADS0

EXHIBIT "A"

BRANDON	JCSNMSNRDS0
MENDENHALL	MNDNMSMARS9
MAGEE	MAGEMSMADS0
EDWARDS	EDWRMSDS0S1
PELAHATCHIE	PLHTMSMADS1
RAYMOND	RYMNMSDS0S1
BOLTON	BOTNMSMADS1
PORTGIBSON	WNRDMSSURS9
TERRY	TRRYMSMADS1
FLORA	FLORMSMADS1
UTICA	UTICMSDS0S1
SILVER CRK	SLCKMSMADS1
WOODVILLE	WDVLMMSMARS9
CRYSTALSPG	CRSPMSMARS9
HAZLEHURST	HZLHMSMARS9
JACKSON	JCSNMSMBDS2
DUFFEE	DFEEMSMARS0
LEXINGTON	LXTNMSMARS9
BELZONI	BLZNMSMARS9
WALNUT	WLNTMSMADS1
ASHLAND	ASLDMSMADS1
GRENADA	GRNDMSMADS2
OXFORD	OXFRMSMADS0
COLDWATER	INDNMSSURS9
TCHULA	TCHLMSMARS9
CARROLLTON	CRTNMSMARS9
COLUMBUS	CLMBMSMADS0
MOORHEAD	MRHDMSMARS9
HOLLY SPG	HLSPMSMARS9
ITTA BENA	ITBNMSMARS9
AMORY	AMRYMSMARS9
EUPORA	EUPRMSFADS1
KILMICHAEL	KLMCMSMADS1
MABEN	MABNMSMADS1
INVERNESS	INVRMSMARS9
WINONA	WINOMSMADS0
CORINTH	CRNTMSMADS2
KOSCIUSKO	KSCSMMSADS0
SENATOBIA	SNTBMSPSR9S9
NEW ALBANY	NWALMSMADS0
ABERDEEN	ABRDMSESRS9
STARKVILLE	SKVLMSMADS0
MARKS	MRKSMHWSRS9
GREENVILLE	GNVLMMSADS0
HOLLY SPG	PTCMMSSURS9
LULA	LULAMSMARS2
ABERDEEN	HMTNMSSURS9
TUTWILER	TTWLMSMARS9

CALEDONIA	CLDNMSMARS5
TUNICA	TUNCMSMADS0
JONESTOWN	JNTVMSMARS2
BALDWYN	BLDWMSMFDS1
SUMNER	SMNRMSMARS9
TUPELO	TUPLMSMADS0
CRENSHAW	CRNSMSMARS2
FRIARS PT	FRPNMSMARS9
DUNCAN	DNCNMSMARS9
SHELBY	SHLBMSDSRS9
GREENWOOD	GNWDMSMADS0
IUKA	IUKAMSESRS9
BURNSVILLE	BRVLMMSMARS9
HERNANDO	HRNNMSDS0S0
COLUMBSAFB	CAFBMSMADS1
OKOLONA	OKLNMSMARS9
HOUSTON	HSTNMSMARS9
BELMONT	BLMTMSMARS9
VAIDEN	VADNMSMADS1
STARKVILLE	STRGMSUDS1
PICKENS	PCKNMSMADS1
GOODMAN	GDMNMSMARS9
WATER VLY	WTVYMSMARS9
SCOOBA	SCOBMSMARS9
SARDIS	SRDSMSMARS9
PONTOTOC	PNTTMSMADS2
WEST POINT	WSPNMSMARS9
RIPLEY	RPLYMSMARS9
COMO	COMOMSMARS9
MCCOOL	MCCLMSMADS1
SENATOBIA	SNTBMSPSDS0
BATESVILLE	BTVLMSDSRS9
DUCK HILL	DCHLMSMADS1
VERONA	VRNAMSMARS5
CLARKSDALE	CSDLMSMARS9
COLDWATER	CDWRMSMARS9
OAKLAND	OKLDMSMARS9
CHARLESTON	CHTNMSMARS9
DURANT	DRNTMSMARS9
GREENWOOD	SNSDMSMARS9
YAZOO CITY	BNTNMSSURS9
ETHEL	ETHLMSMADS1
COFFEEVL	CFVLMSMARS9
BLUE MT	BEMTMSMADS1
LELAND	LELDMSMARS9
YAZOO CITY	YZCYMSMARS9
BOONEVILLE	BNVLMMSMARS9
CLEVELAND	CLEVMSMADS2

PACE	PACEMSEDRS9
MACON	MACNMSMADS0
MACON	BKVLMSUDS1
BENOIT	BNITMSMADS1
DREW	DREWMSMARS9
GUNNISON	GNSNMSMARS9
SHAW	SHAWMSESR9
YAZOO CITY	BENTMSSURS9
RULEVILLE	RLVLMSMARS9
ROSEDALE	RSDLMSMARS9
SHANNON	SHNNMSMARS5
LOUISVILLE	LSVLMSMARS9
SHUQUALAK	SHQLMSMARS9
HOLLANDALE	HOLDMSMARS9
TUPELO	SLTLMSURS5
ROLLINGFORK	RLFKMSMARS9
INDIANOLA	INDNMSMADS2
NETTLETON	NTTNMSMARS5
WEST	WESTMSMARS9

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

In the Application of Nexus Communications, Inc.)
to Amend Its Designation as an Eligible)
Telecommunications Carrier Pursuant) Docket No. 09-NXCT-823-ETC
to the Telecommunications Act of 1996.)

**ORDER APPROVING IN PART AND DENYING IN PART THE APPLICATION
OF NEXUS TO AMEND ITS ETC DESIGNATION**

The above-captioned matter comes on before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission approves in part and denies in part the Application of Nexus Communications, Inc. (Nexus) to Amend Its Designation as an Eligible Telecommunications Carrier (ETC and Application, respectively).

1. Nexus filed its Application on April 15, 2009, seeking to amend its ETC designation to include its provision of prepaid wireless service for the purpose of providing service only to subscribers who are eligible for low-cost support available from the federal universal service fund (FUSF). The amended ETC designation would be applicable to the same AT&T Kansas (AT&T) exchanges as provided in the 635 Docket¹.

¹ *In the Matter of the Application of Nexus Communications, Inc., for Designation as an Eligible Telecommunications Carrier*, Docket No. 06-NXCT-635-ETC (635 Docket). Nexus had filed its ETC Application on December 15, 2005; but, it was placed in abeyance, pending the outcome of Docket No. 06-GIMT-1277-GIT (1277 Docket). Upon the Commission's determination in the 1277 Docket that carriers providing services through commercial agreements were eligible to qualify as ETCs, the 635 Docket was brought up for determination. However, because the 635 Docket was filed approximately 15 months prior to the Commission's determination in the 1277 Docket, the Commission revisited all matters associated with the original application. In like fashion, because Nexus filed its Application in this docket more than four years after its 635 Docket application, the Commission will revisit the qualifications of Nexus to continue to be designated an ETC.

2. Commission staff (Staff) provided its Memorandum on August 31, 2009, analyzing the Application. Staff's Memorandum was posted on the Commission's web site on that same day to provide interested persons the opportunity to comment on the Application. No public comments were received.

3. Staff detailed the federal and state ETC requirements and compared the representations contained in the Application with those requirements. Staff was of the opinion that Nexus had demonstrated (a) its ability to provide the services or functionalities supported by the FUSF in the previously designated AT&T service areas; (b) it would provide the supported services through a combination of its own facilities and resale of another carrier's service obtained through agreements with licensed wireless carriers; (c) it will provide wireless service throughout its authorized exchanges; and (d) it would use the same approved advertising language as it does with its wireline advertising, as well advertising details about Lifeline service.

4. Staff determined that Nexus had satisfied the additional requirements of the Federal Communications Commission's *Virginia Cellular Order*² adopted by the Commission. Staff also determined that Nexus had satisfied the Commission's requirement that the ETC applicant demonstrate that it has sufficient back-up power in emergency situations, is able to reroute traffic around damaged facilities, and is fully capable of meeting the standards which meet the Commission's concerns about maintenance of emergency service.

5. Staff reported that Nexus requested waiver of 47 C.F.R. § 54.202 because the requirements of 54.202 are generally not applicable to a low-income only provider. Staff

² *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, rel. Jan. 22, 2004 (*Virginia Cellular Order*).

reported that it did not support such a blanket waiver of 54.202. Staff did note that Nexus had requested waiver of certain Commission requirements in the 446 Docket³.

6. Notwithstanding Staff's recommendation that Nexus' blanket waiver be denied, Staff determined that Nexus had demonstrated it was in the public interest to designate Nexus as an ETC in the same AT&T exchanges previously approved in the 635 Docket for the purpose of receiving low-income FUSF support for its wireless universal service offerings.

7. The Commission has reviewed Staff's Memorandum and finds it thorough, reasonable and dependable. The Commission concludes that the Application will be granted, subject to waivers being limited to those waivers granted Nexus by the Commission, if any, in the 446 Docket.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Nexus Communications, Inc. to Amend its Designation as an Eligible Telecommunications Carrier is granted, except for that part of the Application that requests waiver of 47 C.F.R. § 54.202, which is denied. The only waivers to be granted Nexus are limited to those waivers granted to Nexus by the Commission, if any, in the 446 Docket.

B. If Nexus wishes the Commission to reconsider any final matter determined herein, it must file a petition for reconsideration within 15 days of service of this Order. If this Order is mailed, service is complete upon mailing and Nexus may add three days

³ *In the Matter of a General Investigation Addressing Requirements for Designation of Eligible Telecommunications Carriers*, Docket No. 06-GIMT-446-GIT (446 Docket). On August 3, 2009, Nexus filed for waiver of the Commission requirements that an ETC file a two-year service quality improvement plan and provide updates as a part of its annual certification. According to Nexus, the waiver is justified because it does not receive high-cost support from the FUSF and, thus, does not have high-cost investment to account for in a service quality improvement plan. Further, Nexus noted that the Commission granted a request for waiver of the same requirements as requested by Nexus in the Commission's Order Granting YourTel's Request for Waiver, June 7, 2007.

to the 15-day suspense date. All petitions for reconsideration must be served upon the Commission's executive director.

C. The Commission retains jurisdiction over Nexus and the subject matter of this docket for the purpose of issuing such additional orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: **SEP 23 2009**

ORDERED MAILED

SEP 23 2009

 **EXECUTIVE
DIRECTOR**

Susan K. Duffy, Executive Director

rl